

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MASAHIKO KUBOTA ET AL.) : Examiner: Ms. Cynthia Hamilton
Application No.: 10/615,289) : Group Art Unit: 1752
Filed: July 9, 2003) : Confirmation No. 7060
For: METHOD FOR PRODUCING)
FINE STRUCTURED MEMBER, :
METHOD FOR PRODUCING)
FINE HOLLOW STRUCTURED :
MEMBER AND METHOD FOR)
PRODUCING LIQUID :
DISCHARGE HEAD) May 8, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF ERRONEOUS NOTICE OF ABANDONMENT,
CONTINGENT PETITION FOR WITHDRAWAL OF NOTICE OF ABANDONMENT, AND
RESUBMISSION OF AMENDMENT WHICH WAS DEEMED TO BE NON-COMPLAINT

Sir:

In an Office Action dated October 1, 2004, issued in this application, many of the claims were designated as being allowable. Applicants filed an Amendment, and a request for approval of proposed drawing corrections, both dated January 3, 2005, believing that the application would then be allowed upon receiving authorization to amend the drawings as proposed. In response, the Patent Office issued a Notice of Non-Compliant Amendment on March 15, 2005, stating that the replacement of one equation with another was not permissible. Applicants filed a Response to that Notice on April 15, 2005 to show the whole paragraph in

which equations were corrected, but did not note that the drawing changes were implicitly approved. Subsequently, the file was apparently lost in the PTO, and over two years later a Second Notice of Non-Compliant Amendment, dated May 31, 2007, was issued.

That Notice pointed out that the listing of claim amendments did not include the notation “1.-23. (Cancelled)”. The objection referred to in that Notice was responded to on June 8, 2007. Then, a third Notice was received incorrectly stating that amended paragraphs did not include markings, and stating that corrected drawings did not include the legend “Replacement Sheets”. In response it was pointed out that the amended paragraphs did in fact include markings as indicated on the last four pages of the 22 page electronic transmission dated June 8, 2007. In this regard, there was no additional paper showing corrections to the Abstract, since there were no changes made to the Abstract except to join two paragraphs as one, as stated in the Amendment.

A fourth Notice of Non-Compliance dated August 29, 2007 was issued, stating that the amended paragraphs did not have markings, and again requesting Replacement Sheet drawings. In response, the appropriate drawings were filed and the marked-up amended paragraphs were again pointed out.

The Patent and Trademark Office then issued a Notice of Abandonment, and after reading that Notice it was realized for the first time that what the Examiner was requesting was our version of the January 3, 2005 Amendment, wherein the changes to the equations appeared with their entire paragraphs in the body of the Amendment showing the corrections therein, rather than in the attached marked-up sheets.

Accordingly, in the following pages that Amendment of January 3, 2005 has been repeated, wherein the marked-up version of the equations, together with the paragraphs in which they appear, are included in the body of the Amendment.

For these various reasons, it is respectfully requested that the Notice of Abandonment be withdrawn.

**CONTINGENT PETITION TO WITHDRAW
THE NOTICE OF ABANDONMENT DATED APRIL 8, 2008**

In the event that the PTO deems it necessary to receive a petition to withdraw the Notice of Abandonment, please consider the following.

Each action mailed by the PTO was promptly responded to, wherefore it is clear that there never existed any intent by Applicants or their undersigned counsel to abandon the application.

Until reading the Notice of Abandonment dated April 8, 2008, it was not clear to Applicants' counsel that the Examiner wanted the marked up version of the Specification paragraphs to appear prior to the signature page, rather than in attached pages. Until then it was believed that the terms of 37 C.F.R. § 1.121 were satisfied wherein the marked up copies of the amended Specification paragraphs were part of the Amendment, albeit in pages attached to the end thereof.

If any exhibits are believed to be requested as a part of this petition, please contact the undersigned by telephone.

If any fees are required, please charge Deposit Account 50-3939.